

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
PALO ALTO COURTHOUSE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

MISDEMEANOR COMPLAINT

vs.

DA NO: 180205507
CEN:18006475 GA HELD 02/22/2018

GUSTAVO ALVAREZ (),
aka GUSTAVO ALVAREZALVAREZ,
aka EFRAIN ALVAREZ,
aka GUSTAVO ALVAREZ ALVAREZ,
3980 EL CAMINO REAL PALO ALTO CA 94306

NARCO

Defendant(s).

The undersigned is informed and believes that:

COUNT 1

On or about February 17, 2018, in the County of Santa Clara, State of California, the crime of DRIVING WHEN LICENSE SUSPENDED OR REVOKED FOR DUI CONVICTION, in violation of VEHICLE CODE SECTION 14601.2(a), a Misdemeanor, was committed by GUSTAVO ALVAREZ who did drive a motor vehicle at a time when his/her driving privilege was suspended and revoked for a conviction of a violation of Vehicle Code sections 23152 and 23153, and when he/she had knowledge of the suspension and revocation.

It is further alleged that within five years prior to the commission of the offense charged above, on or about April 9, 2013, the defendant committed a violation of Vehicle Code section 14601.2, and was convicted of that offense in the California Superior Court, Santa Clara County (B1365680).

COUNT 2

On or about February 17, 2018, in the County of Santa Clara, State of California, the crime of RESISTING, DELAYING, OBSTRUCTING AN OFFICER, in violation of PENAL CODE SECTION 148(a)(1), a Misdemeanor, was committed by GUSTAVO ALVAREZ who did willfully resist, delay and obstruct a(n) peace officer in the discharge and attempt to discharge a duty of his/her office and employment.

COUNT 3

On or about February 17, 2018, in the County of Santa Clara, State of California, the crime of POSSESSION OF CONTROLLED SUBSTANCE PARAPHERNALIA, in violation of HEALTH & SAFETY CODE SECTION 11364, a Misdemeanor, was committed by GUSTAVO ALVAREZ who did possess an opium pipe and a device, contrivance, instrument, and paraphernalia used for unlawfully injecting and smoking a controlled substance.

COUNT 4

On or about February 17, 2018, in the County of Santa Clara, State of California, the crime of APPROPRIATION OF LOST PROPERTY, in violation of PENAL CODE SECTION 485-488, a Misdemeanor, was committed by GUSTAVO ALVAREZ who did , having found lost property, passport, insurance card, check, under circumstances which gave him/her knowledge of and means of inquiry as to the true owner, , did appropriate the property to his/her own use and to the use of another person not entitled to it, without first making reasonable and just efforts to find the owner and to restore the property to him/her.

With respect to defendant GUSTAVO ALVAREZ, the District Attorney hereby notifies you that he has reviewed his files and official records of the Department of Justice of the State of California and is satisfied that the defendant is not eligible for Deferred Entry of Judgment under the provisions of section 1000(a) of the Penal Code of the State of California for the following reason: Defendant's current offense includes a crime of violence or threatened violence.

DISCOVERY REQUEST

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant GUSTAVO ALVAREZ, for the above-listed crimes.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on February 21, 2018, in SANTA CLARA County, California.

Chamberlin 06495
(Conde 07816)
PAPD (650) 329-2150 181027 PAPD
WILLIAMS/ D194/ MISDEMEANOR/ AC

DPH 237

AFFIDAVIT RE PROBABLE CAUSE AND BAIL SETTING

THE AFFIANT, A PEACE OFFICER FOR THE STATE OF CALIFORNIA (AGENCY) PALO ALTO POLICE DEPT
 STATES THAT: ON (DATE) 17 FEB 18, (NAME) GUSTAVO ALVARO ALVARO (CEN#) _____
 (ARREST TIME) 2232 (BOOKING TIME) _____, WAS BOOKED AT THE SANTA CLARA
 COUNTY JAIL ON THE FOLLOWING CHARGES: CASE# 18-1027

REF. NO.	ON-VIEW FELONY CHARGE(S)	ON-VIEW MISD. CHARGE(S)	SCHEDULED BAIL
()		<u>HS 11530</u>	
()		<u>VC 14601.2(a)</u>	
()		<u>PC 148(a)(1)</u>	
()		<u>HS 11364(a)</u>	
()		<u>PC 435</u>	
()		<u>CVC 23152(e)</u>	

(DO NOT ADD IN BAIL FOR OFFENSES THAT ARE THE SAME COURSE OF ACTION)

() BAIL SET BY COURT BAIL SCHEDULE TOTAL: \$ _____
 () BAIL SET BY MAGISTRATE TOTAL: \$ _____ Judge _____

AUTHORIZED SIGNATURE: _____

DIRECTIONS FOR COMPLETION

What facts led you to believe that the defendant committed the above felony/misdemeanor offense(s)? State reasons for initial contact/car stop. Describe actions of the defendant, addressing the elements of the offense(s), including symptoms of intoxication FSTs; injuries and how inflicted. If you relied on third party information, describe incident and state who can establish the facts:

REASONS FOR STOP/SEARCH/ARREST

ON 17 FEB 18, AT APPROXIMATELY _____ HOURS, THE ABOVE SUSPECT WAS SEEN DRIVING ON THE ROADWAY. THE SUSPECT WAS CONTACTED BY POLICE AND TOLD HE WAS DETAINED, BECAUSE SUSPECT IS KNOWN TO HAVE A SUSPENDED DRIVER'S LICENSE. THE SUSPECT FLED INTO HIS HOME, LOCATED AT 3780 EL CAMINO REAL. THE SUSPECT WAS TOLD BY MULTIPLE POLICE OFFICERS TO COME OUTSIDE. OFFICERS FORCED ENTRY INTO HOME, AND SUSPECT TAKEN INTO CUSTODY. A SEARCH INCIDENT TO ARREST REVEALED IN MARIJUANA PIPE, WITH WEEDS AND ~~SE MARIJUANA~~ ~~IN MARIJUANA~~. THE SUSPECT DISPLAYED OBVIOUS SIGNS AND SYMPTOMS OF BEING UNDER INFLUENCE OF CONTROLLED SUBSTANCE - IN'S SIMULANT (MARIJUANA). AN INVENTORY SEARCH OF SUSPECT'S VEH REVEALED LOST / STOLEN PROPERTY, WHICH THE SUSPECT STATED HE MADE NO ATTEMPTS TO RETURN TO OWNER. THE SUSPECT WAS TRANSPORTED AND BOOKED INTO THE SANTA CLARA COUNTY MAIN JAIL.

EACH APPLICABLE SECTION BELOW MUST BE COMPLETED:

- 1) Was the suspect armed? (Yes/No) Describe weapon: _____
- 2) Did the suspect resist arrest? (Yes/No) Combative to officer(s)? (Yes/No) Describe _____ Fled only (Yes/No)
- 3) Assault victim info: Age _____ Ht _____ Wt _____ Sex _____ Relationship to suspect _____
- 4) Injuries sustained by victim: None _____ Minor _____ Moderate _____ Major _____
- 5) Type of theft: Person _____ Residence _____ Commercial _____ Other (describe) _____
- 6) Property taken and approximate value: _____
- 7) Property recovered: None _____ Partial _____ Full Recovery _____
- 8) Controlled substances involved: (Type) MARIJUANA Presumptive test results POSITIVE
 (Required Information) \$ Value 200 Quantity _____
- 9) Threats to victim(s) or witness(es): including information leading you to believe that the defendant may injure the victim(s)/witness(es) (threats, prior violence, etc.) or may flee prior to a court appearance: _____

I declare under penalty of perjury, that the foregoing is true and correct.

Signature of Affiant/Badge Number 7614

CHRISTOPHER CAVE
 Affiant/Print name

17 FEB 18
 Date



**PALO ALTO POLICE DEPARTMENT
TRAFFIC REPORT FORM**

DA COPY

DR NUMBER
18-1027

- ___ 22651(P) Tow, but no 30 day hold – unlicensed for at least 30 days or cited for 14601.1(a)
___ 14602.6 Tow, but no 30 day hold – valid service other than 13200 through 13376 CVC
___ 14602.6 30 day hold – valid service for 13200 through 13376 CVC and not a 14601.1(a) violation
x 14602-6 30 day hold – driver never licensed or 14601.1(a) violation with Supervisor approval
___ Vehicle not towed

NAME: LAST	FIRST	MIDDLE	DATE OF BIRTH	PHONE NUMBER
AlvarezAlvarez, Gustavo				

COMPLETE THE NEXT TWO LINES ONLY IF THE DRIVER WAS NOT CITED

ADDRESS

SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES
-----	------	--------	--------	------	------

LICENSE NUMBER	STATE	STATUS	SERVICE	VALID AUTHORITIES	STARTING DATE
	CA	Suspended	M	133532A7	9-10-09

CONTACT / STOP (CVC SECTION OR OTHER)

Driver seen exiting from driver's door and known to be CVC 14601.2(a)

DRIVING OBSERVED BY	OFFICER	WITNESS
	Officer C. Conde #7816	

Attachments:

(Cal DL's ONLY) ☒ DL PRINTOUT ☒ REG PRINTOUT ☐ DL310 ☐ CHP 180 ☒ BOOKING SHEET

CITATION# BOOKED

SUSPENDED OR UNLICENSED DRIVER QUESTIONNAIRE:

Driver's admissions regarding license status: Knew license was suspended, but claims was not driving vehicle
Ever licensed in another state or country: YES / NO

Where: Oregon

Who owns the vehicle? Driver Relationship: Self

Does the owner know you have a suspended or expired license (or never issued a license)? YES / NO

How long have you lived/worked in California? _____

Is the owner a passenger in the vehicle? YES / NO

Owner admissions: NA

Who gave you permission to use the vehicle? _____

How many times have you driven this vehicle in the last six months? _____

Where are you going? Claims he was not driving

Where are you coming from? Claims he was not driving

Is this a company vehicle? YES / NO Company Name: _____

Is this vehicle insured? YES / NO / UNKNOWN _____

Was driver given an impound Notification Form? NO

VEHICLE STOP AND NARRATIVE: See Narrative

REPORTING OFFICER	ID	DATE	SUPERVISOR REVIEW	ID	DATE
C. Conde	07816	18 FEB 18		06134	2-18-18

CASE NUMBER
18-1027

TYPE OF FORCE: C. ☐ HANDS/FEET B. ☐ KNIFE/CUTTING INSTR.
A. ☐ FIREARM E. ☐ OTHER:

REPORT TYPE / CLASSIFICATION	ON OR FROM	DATE	TIME	DAY
DUI ADULT / MISC	TO	17 FEB 18	2223	SAT
LOCATION OF EVENT	REPORTED	↓	↓	↓
3980 EL CAMINO REAL				

Ofc. Recommends	"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER									
<input type="checkbox"/> FSD/FU	<input checked="" type="checkbox"/>		LAST, FIRST, MIDDLE (FIRM IF BUSINESS)		<input checked="" type="checkbox"/>	STATE OF CA	RACE	SEX	DOB	AGE	HT	WT				
<input type="checkbox"/> ISD/FU							INTERPRETER NEEDED:		<input type="checkbox"/> SPANISH	<input type="checkbox"/> OTHER:						
<input checked="" type="checkbox"/> Inactive	VICTIM ADVISED:		<input type="checkbox"/> SEXUAL ASSAULT		<input type="checkbox"/> VIC/WT ASSIST.		<input type="checkbox"/> DOMESTIC VIOLENCE		<input type="checkbox"/> VIETNAMESE							
Supervisor Review	ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER		STATE					
<input type="checkbox"/> Concur	BUSINESS / SCHOOL ADDRESS		CITY/STATE		ZIP		PHONE		SSN							
<input type="checkbox"/> FSD/FU	VICTIM INFORMATION:		<input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE)		<input type="checkbox"/> INJURY		<input type="checkbox"/> SART		<input type="checkbox"/> BOOD		<input type="checkbox"/> URINE		<input type="checkbox"/> PHOTOGRAPH			
<input type="checkbox"/> ISD/FU	<input type="checkbox"/>		LAST, FIRST, MIDDLE (FIRM IF BUSINESS)				RACE		SEX	DOB	AGE	HT	WT			
							INTERPRETER NEEDED:		<input type="checkbox"/> SPANISH	<input type="checkbox"/> OTHER:						
	VICTIM ADVISED:		<input type="checkbox"/> SEXUAL ASSAULT		<input type="checkbox"/> VIC/WT ASSIST.		<input type="checkbox"/> DOMESTIC VIOLENCE		<input type="checkbox"/> VIETNAMESE							
	ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER		STATE					
	BUSINESS / SCHOOL ADDRESS		CITY/STATE		ZIP		PHONE		SSN							
	VICTIM INFORMATION:		<input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE)		<input type="checkbox"/> INJURY		<input type="checkbox"/> SART		<input type="checkbox"/> BLOOD		<input type="checkbox"/> URINE		<input type="checkbox"/> PHOTOGRAPH			
	VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE#		VIN		STATE					
	R/O'S NAME (LAST, FIRST, MIDDLE)		SAME AS VICTIM #		ADDRESS		CITY/STATE		ZIP		UNIQUE VEHICLE IDENTIF ER					
	VICTIM VEHICLE WAS:		<input type="checkbox"/> STOLEN		<input type="checkbox"/> IMPOUNDED		<input type="checkbox"/> STORED		<input type="checkbox"/> LEFT AT SCENE		<input type="checkbox"/> RELEASED AT SCENE		<input type="checkbox"/> HELD F/PRINTS		<input type="checkbox"/> PRINTED	

[illegible]

OFFICER'S NAME	ID NUMBER	DATE	WATCH/DIVISION	SUPERVISOR REVIEW
C. CROWE	7816	18 FEB 18	5B/ISS	7816 06154 2-18-18 P. C. CROWE

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		PALO ALTO POLICE SUSPECT PAGE		CASE NUMBER 18-1027		<input checked="" type="checkbox"/> ORIGINAL																																																																															
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DL NUMBER [REDACTED] STATE CA SSN [REDACTED]		CITE#		CEN 18006475																																																																																	
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REPORT TYPE / CLASSIFICATION DUI ADULT / MISC	SUPPLEMENTAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 18-1027
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1 **ADDITIONAL FACE SHEET**

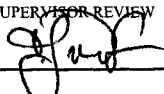
2
3 Penal Code / Resist Officer
4 Traffic / Suspended
5 N&D / Paraphernalia
6 Penal Code / Misc
7

8 **SYNOPSIS**

9
10 A vehicle was seen driving on the 600 block of Los Robles Street. Officer saw the suspect,
11 Gustavo ALVAREZALVAREZ, exit the vehicle through the driver's side door after parking in
12 front of his home. ALVAREZALVAREZ was told by officers that he was detained and to exit
13 his residence. ALVAREZALVAREZ resisted, delayed, and obstructed police by remaining
14 inside his home. Police made entry into ALVAREZALVAREZ's residence and took him into
15 custody. A search incident to arrest revealed a methamphetamine pipe. The suspect displayed
16 the objective signs and symptoms of being under the influence of a controlled substance- CNS
17 stimulant. An inventory search prior to a tow of ALVAREZALVAREZ's vehicle resulted in lost
18 or stolen property that did not belong to ALVAREZALVAREZ. ALVAREZALVAREZ made
19 no attempts to return the property to the owners. ALVAREZALVAREZ refused three attempts
20 to give a sample of his blood and again became uncooperative with police. The suspect, Gustavo
21 ALVAREZALVAREZ, was booked into the Santa Clara County Main Jail for the on-view
22 charges of PC 148(a)(1), CVC 14601.2(a), H&S 11364(a), H&S 11550, PC 485, and CVC
23 23152(e).
24

25 **INVESTIGATION**

26
27 I am currently assigned to the Field Services Division within the Palo Alto Police Department.
28
29 On 17 FEB 18, I was working in full police uniform driving a marked PAPD vehicle. At
30 approximately 2223 hours, I observed a vehicle (CA license #5SEK815) driving west on the 600
31 block of Los Robles Avenue. I recognized this vehicle from prior police contacts with the
32 suspect, Gustavo ALVAREZALVAREZ, in particular the style and color of the vehicle, as well
33 as the distinct stickers on the rear of the vehicle. From prior police contacts, I knew that
34 AlvarezAlvarez had a suspended driver's license. I also know that ALVAREZALVAREZ was
35 cited and released for driving with a suspended license by Officer Johnson on 26 JAN 18
36 (PAPD#18-0525)(See attached). I conducted a records check of the vehicle on my patrol
37 vehicle's Mobile Data Terminal (MDT), and I observed that there was a release of liability
38 registered to ALVAREZALVAREZ. I followed the vehicle into 3980 El Camino Real, where
39 ALVAREZALVAREZ resides.
40
41 I observed that the vehicle pulled into space #33, and ALVAREZALVAREZ exited the driver's
42 side door. I immediately called out his name, and he acknowledged me. I advised him that he
43 was detained because I had reasonable suspicion that his license was suspended. I told him
44 several times that he was detained, and he needed to come with me to my patrol vehicle.
45 ALVAREZALVAREZ became verbally aggressive and walked into his home, located at 3980 El
46 Camino Real, Space #33.

OFFICER'S NAME C. Conde	ID NUMBER 7816	DATE 18 FEB 18	SUPERVISOR REVIEW 	ID NUMBER 06134	DATE 2-18-18
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1 I called for additional units due to do ALVAREZALVAREZ being verbally aggressive and
2 running away into his home. Ofc Hubbard, Ofc Johnson, Agt DeStefano, and Sgt Benitez
3 responded and arrived on scene.
4
5 ALVAREZALVAREZ then opened his front door and continued to be verbally aggressive from
6 his front door. Agt DeStefano and I continued to tell ALVAREZALVAREZ multiple times that
7 he needed to exit his residence and walk to my patrol vehicle. ALVAREZALVAREZ then
8 yelled at officers something similar to "Fuck you. Come get me." As Ofc Hubbard, Agt
9 DeStefano, Sgt Benitez, and I approached ALVAREZALVAREZ, he slammed the front door.
10 Sgt Benitez kicked the front door in order to prevent ALVAREZALVAREZ 's escape and take
11 him into custody. (See Sgt Benitez's supplement for further information.) At approximately
12 2232 hours, ALVAREZALVAREZ was then taken into custody. PAPD Dispatch confirmed that
13 ALVAREZALVAREZ 's driver's license was still suspended.

14
15 During a search incident to arrest, I located inside ALVAREZALVAREZ 's front right pants
16 pocket a glass pipe with a bulbous end containing a white crystalline substance and scorch marks
17 on the bottom. Bases on my training and experience, the pipe is consistent with what is used to
18 smoke methamphetamine. Ofc Johnson further assisted me by towing ALVAREZALVAREZ's
19 vehicle. (See supplement report)

20
21 I transported ALVAREZALVAREZ to PAPD AIB. At approximately 2249 hours, I advised
22 ALVAREZALVAREZ of his Miranda rights from my PAPD issued Miranda Card.
23 ALVAREZALVAREZ responded "Yes" to each Miranda statement. ALVAREZALVAREZ
24 gave an implied waiver by proceeding to answer my questions. I showed
25 ALVAREZALVAREZ the methamphetamine pipe that I located inside his pocket and
26 ALVAREZALVAREZ provided the following statement in summary:

27
28 **Statement of (S) Gustavo ALVAREZALVAREZ**

29
30 ALVAREZALVAREZ confirmed that the methamphetamine pipe was his by stating,
31 "That is mine." ALVAREZALVAREZ stated that he did recognize me from past police
32 contacts and saw the police car. ALVAREZALVAREZ stated that he was unsure if he
33 heard the specific word detained. ALVAREZALVAREZ confirmed that he heard police
34 officers giving him commands to exit his residence, but refused because he was tired of
35 getting tickets.
36

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ALVAREZALVAREZ let me conduct a few Drug Abuse Recognition tests to see if he was also under the influence of a controlled substance.

Horizontal Gaze Nystagmus

Horizontal Gaze Nystagmus was not present in ALVAREZALVAREZ's eyes. He had smooth pursuit in both his left and right eye.

Vertical Gaze Nystagmus

Vertical Gaze Nystagmus was not present in both eyes.

Lack of Convergence

ALVAREZALVAREZ's eyes were able to converge.

Pulse

At approximately 2301 hours, ALVAREZALVAREZ's pulse was 120 BPM. At approximately 2315 hours, ALVAREZALVAREZ pulse was 110 BPM. At approximately 0011 hours on 18 Feb 18, ALVAREZALVAREZ pulse was 116 BPM.

Modified Romberg

ALVAREZALVAREZ displayed rapid eye lid tremors. He estimated 30 seconds to be 17 actual seconds according to my timer on my phone.

Pupil Size

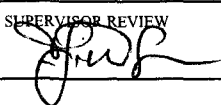
ALVAREZALVAREZ's pupils were approximately 4.0 mm in size.

Pupillary Reaction to Direct Light

Both his pupils displayed a slow reaction to direct light.

Based on the objective signs and symptoms, I believe that ALVAREZALVAREZ was under the influence of a CNS stimulant- methamphetamine. At approximately 2315 hours, I read ALVAREZALVAREZ the H&S 11550(a) admonition. After reading ALVAREZALVAREZ the admonition, I asked ALVAREZALVAREZ if he understood what I had read and he said, "Yes." When I asked if he would submit to a blood test, he said, "I refuse the blood test."

At approximately 2317 hours, I read ALVAREZALVAREZ the H&S 11550(a) admonition again. After reading ALVAREZALVAREZ the admonition, I asked ALVAREZALVAREZ if he understood what I had read and he said, "I understand everything." When I asked if he would submit to a blood test, he said, "No!"

OFFICER'S NAME C. Conde	ID NUMBER 7816	DATE 18 FEB 18	SUPERVISOR REVIEW 	ID NUMBER 06134	DATE 2-18-18
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Ofc Johnson later informed me that while performing an inventory search of ALVAREZALVAREZ's vehicle, he found items that did not belong to ALVAREZALVAREZ. (See Ofc Johnson's supplement for further information.)

Continued Statement of (S) Gustavo ALVAREZALVAREZ

I showed ALVAREZALVAREZ the AAA insurance card with the name "[REDACTED]" ALVAREZALVAREZ stated that the card belongs to a friend that he met last night. ALVAREZALVAREZ stated that "[REDACTED]" is approximately 30-40 years old and lives in San Francisco. When I asked him who "[REDACTED]" was, ALVAREZALVAREZ stated "I don't know who that is." ALVAREZALVAREZ could give no valid reason why he was in possession of a check belonging to "[REDACTED]"

I then asked who the owner of the passport that was located inside his vehicle. ALVAREZALVAREZ stated "[REDACTED]" ALVAREZALVAREZ stated that he met "[REDACTED]" last night at "[REDACTED]" Street in San Francisco, which is a sex club located in San Francisco. ALVAREZALVAREZ stated that he was waiting for "[REDACTED]" to call him because he did not have his phone number. ALVAREZALVAREZ stated he did not make any attempts to contact the police so that he could return the passport to the rightful owner. The passport of "[REDACTED]" had the actual name of "[REDACTED]"

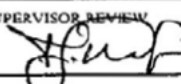
I then asked ALVAREZALVAREZ about the paperwork that I located inside his pant's pocket during a search incident to arrest. The paperwork belonged to "[REDACTED]" and "[REDACTED]". ALVAREZALVAREZ said he had no idea, and might have found the paperwork at Good Will.

At this time, ALVAREZALVAREZ became again verbally aggressive and uncooperative with the investigation. ALVAREZALVAREZ said something similar to "I'm tired. Just take me to jail already."

At approximately 0026 hours, I asked ALVAREZALVAREZ for a third time if he was willing to provide a blood sample. ALVAREZALVAREZ was adamant that he was unwilling to provide a blood sample.

Based on the objective signs and symptoms displayed by ALVAREZALVAREZ, the statements of the suspect, and the totality of the circumstance, I had probable cause to arrest ALVAREZALVAREZ for resisting, delaying, and obstructing a peace officer, driving with a suspended license, possession of a methamphetamine pipe, being under the influence of a CNS stimulant- methamphetamine, misappropriation of lost or stolen property, and driving under the influence of drugs- methamphetamine.

I then transported and booked ALVAREZALVAREZ into the Santa Clara County Main Jail for PC 148(a)(1), CVC 14601.2(a), H&S 11364(a), H&S 11550, PC 485, and CVC 23152(e).

OFFICER'S NAME C. Conde	ID NUMBER 7816	DATE 18 FEB 18	SUPERVISOR REVIEW 	ID NUMBER 06134	DATE 2-18-18
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Evidence

Portions of this incident were captured and recorded on MAV. Ofc Hubbard booked the methamphetamine pipe into evidence, and Ofc Johnson assisted me with booking the remainder of the evidence.

Additional Information

ALVAREZALVAREZ currently is on court probation with the following terms: Obey all Laws, search / seizure, and Do not enter goodwill at 4085 El Camino Real, Palo Alto

Criminal History


ALVAREZALVAREZ has a prior history for PC 484, CVC 23152(a), CVC 23152(b), H&S 11550(a), CVC 14601.5(a), CVC 14601.2(a), PC 148.9(a), PC 529.5(c), PC 459, PC 476, PC 460(b), PC 273.5(a), PC 245(a), PC 243(e)(1), PC 488, PC 485, and HS 11364.

Recommendation

Prosecute suspect as booked for PC 148(a)(1), CVC 14601.2(a), H&S 11364(a), H&S 11550, PC 485, and CVC 23152(e).

PLEO

26	Sgt Benitez	ID#3985	Scene Assist	See Supplement.
27	Agt DeStefano	ID#6134	Scene Assist	No supplement.
28	Ofc Hubbard	ID#7200	Scene Assist/ AIB	No supplement.
29	Ofc Johnson	ID#7754	Scene Assist / CHP 180	See Supplement.

OFFICER'S NAME C. Conde	ID NUMBER 7816	DATE 18 FEB 18	SUPERVISOR REVIEW 	ID NUMBER 06034	DATE 2-18-18
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INVESTIGATION

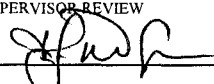
On 2-17-18 at approximately 2230 hours I arrived at 3980 El Camino Real Space #33 after hearing on the police radio that a known driver with a suspended driver's license had defied police orders after stopping and parking his car and fled into his mobile home. It should be noted that I am one of the night time sergeants and I was in full uniform and driving a fully marked patrol vehicle #5260. As I was driving to the scene, I heard on the police radio that the suspect (Gustavo Alvarez) had opened the front door to his mobile home, taunted police with "come and get me" and then closed the door. Upon my arrival, the front door of the mobile home was closed and Agent DeStefano was giving clear and loud verbal orders for Alvarez to open his door and exit his house. Agent DeStefano was standing approximately 10 feet from the front door while giving his orders.

Within a short period of time I saw Alvarez (who I also know from prior law enforcement contacts) open the front door with an older man standing behind him. While standing in the open doorway, Alvarez was acting like a juvenile while sarcastically calling out, "come and get me, come and get me". The older man standing behind Alvarez was motioning with his arms for us to leave. At this point Agent DeStefano and I started walking towards the front door to apprehend Alvarez since officers had two on-view charges against him; driving on a suspended license and now resisting officers. As we walked toward the front door Alvarez suddenly stepped back inside and shut the door. As I approached the front door I could hear the locking mechanism being turned. I tried to turn the door knob with my hand but noticed it was locked. At this point I told Agent DeStefano that I was going to kick the door open.

While standing on the stairs leading to the front door, I kicked the front door a bit too low and the door did not open. I then repositioned myself on the stairs and kicked a second time, this time higher on the door. This time the door sprung open as the door jamb splintered. When the front door opened Alvarez was standing next to it and he seemed surprised that his front door had been kicked it open. I then used my right hand and grabbed Alvarez at the front of his shirt and physically pulled him outside. His vehicle was parked directly in front of the short set of stairs that led to his front door so Agent DeStefano and I put Alvarez on the hood of his car where he was handcuffed. No other force was used on Alvarez.

Recommendation

Supplement only

OFFICER'S NAME Benitez, Wayne Sgt.	ID NUMBER 3985	DATE 2-17-18	SUPERVISOR REVIEW 	ID NUMBER 06134	DATE 2-18-18
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DUI Adult / Misc**INVESTIGATION**

On 02/17/2018, I was assigned to the Field Services Division and working team 5B. At approximately 2223 hours, I responded to the area of 3980 El Camino Real Space 33 in response to a request from Officer Conde for assistance regarding a traffic enforcement stop. I responded to the scene in a fully marked police vehicle (5232) and in a department issued uniform. While I responded to the scene, my patrol vehicle's Mobile Audio and Visual (MAV) system activated. As I arrived on scene, I was assigned a perimeter position on the back of space 33 until the suspect, Gustavo Alvarezalvarez, was taken into custody.

I assisted Officer Conde in his investigation by completing a CHP 180 to tow Alvarezalvarez's vehicle (5SEK815). I conducted an inventory search of Alvarezalvarez's vehicle, and while doing so, I located a small piece of paper that was poking out from behind a side panel of the center radio cluster of the vehicle. Upon removing the piece of paper from behind the panel, I observed that it was a check paid to the order of [REDACTED]. I thought that this was odd, as it did not have Alvarezalvarez's name on it, so I collected it as possible stolen property. Agent DeStefano alerted me to the glove box where he began to conduct an inventory search and pulled out a AAA member insurance card in the name of [REDACTED] and a Republic of Indonesia Passport belonging to a [REDACTED]. Agent DeStefano handed me the insurance card and passport, and I collected it for later processing. I also observed Agent DeStefano locate a fake \$100 bill that was marked for motion picture use only, and was located in a backpack located in the front passenger compartment of Alvarezalvarez's vehicle. Agent DeStefano handed me the fake \$100 bill and I collected it for later processing.

A continued search of Alvarezalvarez's vehicle yielded a black laptop wedged between the front passenger seat and the center console. I observed that it was a newer looking Samsung laptop and had a "Chrome" brand badge on the front of it. I asked PAPD communications to conduct a records check on the serial number of it, and they advised me that it was clear. Based on the laptop appearing new and expensive, I collected the laptop for safekeeping and brought it back to the PAPD AIB along with the other evidence I collected, and met with Officer Conde. I provided Officer Conde with the found items and he proceeded with questioning Alvarezalvarez about the items. I also assisted him with booking them into a PAPD evidence locker for evidence. Officer Conde advised me that Alvarezalvarez had been Mirandized. I began asking Alvarezalvarez about the laptop I located in his vehicle, and under Miranda, Alvarezalvarez stated the following in summary while he was in AIB:

Statement of Suspect Gustavo Alvarezalvarez

Alvarezalvarez stated that the laptop was not his, but belonged to a friend. Alvarezalvarez was unable to provide contact information for the owner of the laptop and was only able to provide a name of [REDACTED]. Alvarezalvarez stated that he met [REDACTED] in San Francisco the night prior and met at a club, then went to a friend's house with [REDACTED]. Alvarezalvarez then left before trying to return [REDACTED] belongings back to him, and Alvarezalvarez stated that [REDACTED] knew that Alvarezalvarez had his laptop even though Alvarezalvarez had not spoken to him at any time from when he left until now. He later

OFFICER'S NAME

I. Johnson

ID NUMBER

7754

DATE

02/18/2018

SUPERVISOR REVIEW

ID NUMBER

86134

DATE

2-18-18

PAGE

1/1

REPORT TYPE / CLASSIFICATION DUI Adult / Misc	SUPPLEMENTAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 18-1027
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changed his statement and stated that he had in fact texted [REDACTED] about the laptop. He also stated that [REDACTED] was from Sacramento, and that he was considered a friend because they had met a few times before.

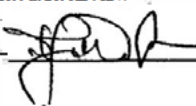
The laptop was determined to be under observation since it did not belong to Alvarezalvarez and he was unable to provide the password to unlock the laptop. I attempted to locate contact information for the owner of the check; however, I was unable to locate any current contact information for the owner of the check. I attempted to call [REDACTED] place of employment as depicted by the check, however the phone rang for an extended period of time and I was not able to leave a voicemail message.

Evidence

I packaged and placed the passport, insurance card, fake \$100 bill, and check into a PAPD evidence locker as evidence. I packaged and placed the laptop as evidence under observation. I took digital photographs of the items of evidence and uploaded them into VeriPic. I also packaged and placed three documents that were found by Officer Conde into a PAPD evidence locker as evidence.

Recommendation

Supplement only.

OFFICER'S NAME I. Johnson	ID NUMBER 7754	DATE 02/18/2018	SUPERVISOR REVIEW 	ID NUMBER 06134	DATE 2-18-18
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DEPARTMENT OF MOTOR VEHICLES

LICENSING OPERATIONS DIVISION
 DRIVER SAFETY HEADQUARTERS
 P.O. BOX 189516, M/S J256
 SACRAMENTO, CA 95818-9516
 (916) 657-7730



FOR DMV USE ONLY

126 -

**ADMINISTRATIVE PER SE
 NOTICE OF FAILURE TO FILE OR
 DISMISSAL OF CRIMINAL CHARGES**
 (§§23140, 23152 or §23153 Vehicle Code [VC])
 §13353.2(e)(f) VC

DRIVER'S NAME <u>Gustavo Alvarez</u>		CALIFORNIA DRIVER LICENSE NO. [REDACTED]	
ADDRESS <u>3980 El Camino Real # 23</u>		OUT OF STATE DRIVER LICENSE NO.	STATE
CITY <u>Palo Alto CA</u>	STATE <u>CA</u>	ZIP CODE <u>94306</u>	DATE OF BIRTH [REDACTED]
TELEPHONE NO. Daytime () Residence ()		ARREST DATE <u>2-12-18</u>	

DISTRICT ATTORNEY'S STATEMENT

Criminal charges related to the arrest of the above named driver under §§23140, 23152, or §23153 VC have **not been filed** by the District Attorney or were dismissed by the court because of lack of evidence.

A driver has a renewed right to request a hearing on an Administrative Per Se (0.05% or 0.08% BAC) suspension by the department. §13353.2(f) VC requires a **detailed explanation** specifying which evidence was defective or lacking and why such evidence was considered defective or lacking. Attach a separate sheet, if necessary, and any relevant supporting documents. (This section **does not apply** if the driver refused to submit to or failed to complete a chemical test.)

CHECK THE APPROPRIATE BOX(ES) AND EXPLAIN FULLY BELOW:

- ☐ INSUFFICIENT PROBABLE CAUSE
☐ UNLAWFUL ARREST
☐ ACCURACY OF CHEMICAL TEST EQUIPMENT AND/OR COMPLIANCE WITH TESTING PROCEDURES
☒ OTHER

no back driving, no admission of use, refused to take
blood test. other charge filed

Based on the contents of the main report, I am informed & believe
 I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DISTRICT ATTORNEY'S NAME <u>Margaret Williams</u>	DISTRICT ATTORNEY OFFICE <u>San Jose</u>	TELEPHONE NO. [REDACTED]
ADDRESS <u>70 W. Hordley St.</u>	CITY <u>San Jose</u>	STATE <u>CA</u>
DISTRICT ATTORNEY'S SIGNATURE <u>Margaret Williams</u>	DATE <u>2-20-18</u>	ZIP CODE <u>95110</u>

WHITE - DMV

YELLOW - DRIVER

PINK - DISTRICT ATTORNEY

PEN VX1121

IF KNOWN

PRE BOOKING INFORMATION SHEET

CEN

AGENCY PALO ALTO PD

Santa Clara County

18006475

LAST NAME <u>ALVAREZ</u>	FIRST <u>GUSTAVO</u>	MIDDLE	GEN	DATE OF BIRTH	U.S. CITIZEN YES NO	PLACE OF BIRTH
DRIVER LICENSE STATE NUMBER <u>CA</u>	IN POSS?	SOCIAL SECURITY NO.	IN POSS?	REPORT NUMBER <u>18-1027</u>	BOOKING TYPE	MISC. I.D. NO.

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	SCARS/MARKS/TATTOOS <u>NONE</u>
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RESIDENCE NO.	STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE
<u>3980</u>	<u>EL CAMINO REAL</u>		<u>33</u>	<u>PALO ALTO</u>	<u>CA</u>	<u>94306</u>

TELEPHONE <u>(650) 320 8519</u>	LAST NAME <u>AKA</u>	FIRST	MIDDLE	GEN	NICKNAME
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OCCUPATION <u>UNEMPLOYED</u>	UNION	LOCAL	EMPLOYER NAME	HOW LONG
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EMP. ADDRESS	STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE
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EMPLOYER'S TELEPHONE	EMERGENCY PERSON	LAST NAME	FIRST	RELN	EMER. TELEPHONE
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EMERG ADDRESS	STREET	SUFFIX	APT. NO.	CITY	STATE	ZIP CODE
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VEHICLE STATE LICENSE NO. <u>CA</u>	COLOR <u>WHI</u>	MAKE <u>FORD</u>	YEAR <u>2001</u>	VEHICLE LOCATION <u>200 OLD</u>	CITY <u>MIN</u>	CITIZEN LAST NAME (ARRESTING)	FI	MI
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ARREST DATE <u>2/17/18</u>	ARREST TIME <u>2232</u>	AGENCY (CJIC) <u>4312</u>	OFFICER NAME <u>C. CONOE</u>	ID NO. <u>7816</u>	TRANS. AGENCY	ID NO. <u>7816</u>	(853, 6PC)
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ARREST LOCATION	STREET	APT. NO.	X-STREET	CITY	STATE	ZIP CODE	REQUESTS PUB. DEF.
<u>3980</u>	<u>EL CAMINO REAL</u>	<u>33</u>	<u>LOS ROBLES</u>	<u>PALO ALTO</u>	<u>CA</u>	<u>94306</u>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

821/822 PC	FELONY AFFIDAVIT	ARREST AGENCY 851.5	ESCAPE RISK, SUICIDAL CO DEF., ETC
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	TIME	DATE

CODE	CIRC	SECTION (DESCRIPTION IF ON-VIEW)	BAIL	F/M/V/C	COURT	WARRANT NO.
HS	1	11550 UNDER INFLUENCE OF ALCOHOL	5,000	M	43460	
VC	1	14601.2(a) - PRETENSE OF SUSPENDING	5,000	M	43460	
PC	1	146(a)(1) - RESIST, DELAYS, OR OBSTRUCTS POLICE OFFICER	1,000	M	43460	
HS	1	11364(a) - METH PIPE	1,000	M	43460	
HS	1	11364(a) - POSSESSION OF METHAMPHETAMINE	1,000	M	43460	
PC	1	435 - MISAPPROPRIATION OF	1,000	M	43460	
VC	1	23152(A) - DRUGS	35,000	M	43460	

ARRESTING OFFICER: <u>C. CONOE</u>	BAIL TOTAL	<input type="checkbox"/> PROPERTY HELD AS EVIDENCE	<input type="checkbox"/> STORED BY ARRESTING AGENCY
<u>7816</u>	<u>48,000</u>		

1	WALLET	BLACK	CASH	1	JACKET	COLOR	BLACK / GREY
	CHECKBOOK		\$ 80		SWEATER	COLOR	
	BELT		BUCKLE		SHIRT/BLOUSE	COLOR	GREY
	KEYS #		KNIFE		PANTS	COLOR	BLACK
1	WATCH, COLOR	Y	W	O	DRESS/SKIRT	COLOR	
	RING		STONE		SHOE	COLOR	BLACK
	CHAIN		STONE		HAT	COLOR	
			STONE		PURSE		
			STONE		LIPSTICK		
			STONE		MISC. ITEMS		
	LIGHTER		COMB-BRUSH				
	CIGARETTES						

ALIEN STATUS CITIZEN OF	REQUEST NOTIFICATION TO CONSULATE	YES	NO	MANDATORY NOTIFICATION TO CONSULATE	YES	NO	DATE	TIME	DEPUTY I.D.
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X	PRISONER'S SIGNATURE FOR PROPERTY, NOTIFICATION OF RIGHTS UNDER P.C. SEC. 821/822, STATEMENT OF ALIEN STATUS, RECEIPT OF COPY OF PRE BOOKING INFORMATION	RECEIVING OFFICER BADGE NO. & TIME <u>10402 / 0110</u>	TRANSPORTING OFFICER BADGE NO. <u>7816</u>
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DISTRIBUTION: WHITE - Booking
GREEN - Property Room

VEHICLE REPORT

CHP 180 (Rev. 4-16) OPI 061

NOTE: CHP 180 IS FURNISHED TO ALL PEACE
OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

30 DAY

REPORTING DEPARTMENT PALO ALTO PD	LOCATION CODE 4312	DATE / TIME OF REPORT 2/17/18 2239	NOTICE OF STORED VEHICLE DELIVERED PERSONALLY <input type="checkbox"/>	FILE NO. 18-1027
LOCATION TOWED / STOLEN FROM 39 80 EL CAMINO REAL	ODOMETER READING UNK	VIN CLEAR IN SVS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO LIC. CLEAR IN SVS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME DISPATCH NOTIFIED 2/17/18 2239	LOG NO. -
YEAR 2002	MAKE FORD	MODEL FOCUS	BODY TYPE 3P	COLOR WHITE
VEHICLE IDENTIFICATION NO. [REDACTED]		ENGINE NO. -	VALUATION B* <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> OWNER <input type="checkbox"/> 0-500 <input checked="" type="checkbox"/> 501-4000 <input type="checkbox"/> 4001+ <input type="checkbox"/> \$	ONE MONTH / YEAR <input checked="" type="checkbox"/> TWO 04/18
REGISTERED OWNER ALVAREZ GUSTAVO		LEGAL OWNER <input checked="" type="checkbox"/> SAME AS R/O		






<input checked="" type="checkbox"/> STORED	<input checked="" type="checkbox"/> IMPOUNDED	<input type="checkbox"/> RELEASED	<input type="checkbox"/> RECOVERED - VEHICLE / COMPONENT
TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE) [REDACTED]			STORAGE AUTHORITY / REASON CVC 14602.6

REASON FOR STOP		AIRBAG? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	DRIVEABLE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> JUNK <input checked="" type="checkbox"/> UNK	VIN SWITCHED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION
WRECKED		<input checked="" type="checkbox"/>	SEAT (FRONT)	<input checked="" type="checkbox"/>		REGISTRATION	<input checked="" type="checkbox"/>		CAMPER		<input checked="" type="checkbox"/>	LEFT FRONT	USED
BURNED HULK per 431(c) CVC		<input checked="" type="checkbox"/>	SEAT (REAR)	<input checked="" type="checkbox"/>		ALT. / GENERATOR	<input checked="" type="checkbox"/>		VESSEL AS LOAD		<input checked="" type="checkbox"/>	RIGHT FRONT	USED
VANDALIZED		<input checked="" type="checkbox"/>	RADIO	<input checked="" type="checkbox"/>		BATTERY	<input checked="" type="checkbox"/>		FIREARMS		<input checked="" type="checkbox"/>	LEFT REAR	USED
ENG. / TRANS. STRIP		<input checked="" type="checkbox"/>	TAPE DECK	<input checked="" type="checkbox"/>		DIFFERENTIAL	<input checked="" type="checkbox"/>		OTHER		<input checked="" type="checkbox"/>	RIGHT REAR	USED
MISC. PARTS STRIP		<input checked="" type="checkbox"/>	TAPE	<input checked="" type="checkbox"/>		TRANSMISSION	<input checked="" type="checkbox"/>					SPARE	UNK
BODY METAL STRIP		<input checked="" type="checkbox"/>	OTHER RADIO	<input checked="" type="checkbox"/>		AUTOMATIC	<input checked="" type="checkbox"/>					HUB CAPS	
SURGICAL STRIP per 431(b) CVC		<input checked="" type="checkbox"/>	IGNITION KEY	<input checked="" type="checkbox"/>		MANUAL	<input checked="" type="checkbox"/>					SPECIAL WHEELS	USED

RELEASE VEHICLE TO: <input type="checkbox"/> R/O OR AGENT <input type="checkbox"/> AGENCY HOLD <input type="checkbox"/> 22850.3 CVC	GARAGE PRINCIPAL / AGENT STORING VEHICLE (SIGNATURE) [Signature]	DATE / TIME 2/17/18
NAME OF PERSON / AGENCY AUTHORIZING RELEASE	I.D. NO.	DATE
SIGNATURE OF PERSON AUTHORIZING RELEASE		CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.
SIGNATURE OF PERSON TAKING POSSESSION		

<input type="checkbox"/> STOLEN VEHICLE / COMPONENT	<input type="checkbox"/> EMBEZZLED VEHICLE	<input type="checkbox"/> PLATE(S) REPORT
DATE / TIME OF OCCURRENCE	DATE / TIME REPORTED	NAME OF REPORTING PARTY (RP)
LAST DRIVER OF VEHICLE	DATE / TIME	ADDRESS OF R/P
I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.		SIGNATURE OF PERSON MAKING REPORT

REMARKS (LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS)			
DRIVER'S NAME	ARRESTED / SECTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	REPORTED BY	CARGO / TYPE? <input type="checkbox"/> YES <input type="checkbox"/> NO
DENTS & SCRATCHES 760		VALUE \$	
MISC. PERSONAL ITEMS INSIDE		<input type="checkbox"/> BILL OF LADING ATTACHED	

				
SIGNATURE OF OFFICER TAKING REPORT I. JOHNSON		I.D. NO. 7754	SUPERVISOR	REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22852 CVC? <input type="checkbox"/> YES <input type="checkbox"/> NO
				DATE NOTIFIED